

House Bill 461

By: Representatives Kaiser of the 59th, Ashe of the 56th, McKillip of the 115th, Buckner of the 130th, and Baker of the 78th

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem tax exemptions, so as to provide a homestead exemption in an amount equal to the median value of a homestead in the county with respect to all ad valorem taxes for all residents of the state; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum; to provide for effective dates; to provide for applicability; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem tax exemptions, is amended by adding a new Code section to read as follows:

"48-5-47.2.

(a) As used in this Code section, the term:

(1) 'Ad valorem taxes' means all state ad valorem taxes; all county ad valorem taxes for county purposes levied by, for, or on behalf of a county, including, but not limited to, taxes to pay interest on and to retire county bonded indebtedness; all county school district and independent school district taxes for educational purposes levied by, for, or on behalf of a school district, including, but not limited to, taxes to pay interest on and to retire school district bonded indebtedness; and all municipal taxes for municipal purposes levied by, for, or on behalf of a municipality, including, but not limited to, taxes to pay interest on and to retire municipal bonded indebtedness.

(2) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40.

(3) 'Median value' means the median value of a homestead according to the county tax digest for the immediately preceding taxable year of the county of residence of the person granted the homestead exemption under this Code section.

(b) Each resident of the state is granted an exemption on that person's homestead from all ad valorem taxes in an amount equal to the median value of a homestead in the county of such resident. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this Code section unless the person or person's agent files an application with the tax commissioner of the county in which that person resides giving such information relative to receiving such exemption as will enable the tax commissioner to make a determination regarding the initial and continuing eligibility of such person for such exemption. The tax commissioner shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1. The exemption shall be automatically renewed from year to year as long as the person occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this Code section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under this Code section to notify the tax commissioner in the event that person for any reason becomes ineligible for that exemption.

(e) The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption notwithstanding any provision of any other homestead exemption to the contrary.

(f) The exemption granted by this Code section shall apply to all taxable years beginning on or after January 1, 2011."

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of State shall call and conduct a referendum as provided in this section for the purpose of submitting this Act to the electors of the State of Georgia for approval or rejection. The Secretary of State shall conduct that election on the date of the November, 2010, state-wide general election. The Secretary of State shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of each county in the state. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides a homestead exemption in the amount of the median value of homestead in the county with respect to all

() NO ad valorem taxes for all residents of the state?"

62 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
63 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
64 such question are for approval of the Act, then Section 1 of this Act shall become effective
65 on January 1, 2011. If Section 1 of this Act is not so approved or if the election is not
66 conducted as provided in this section, Section 1 of this Act shall not become effective and
67 this Act shall be automatically repealed on the first day of January immediately following
68 that election date.

69 **SECTION 3.**

70 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
71 its approval by the Governor or upon its becoming law without such approval.

72 **SECTION 4.**

73 All laws and parts of laws in conflict with this Act are repealed.